

JAN 11 2007

Docket No. 740756-2676
Serial No. 10/731,089
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The Office Action of October 11, 2006 was received and reviewed. The Examiner is thanked for reviewing this application. Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced in detail below.

Claims 1-32 are pending in the instant application, of which claims 1, 5, 9, 14, 19, 23, 28, and 30 are independent. Claims 1, 5, 9, 14, 19, and 23 have been amended for clarity. Claims 28-32 have been canceled without prejudice or disclaimer. Therefore, claims 1-27 remain pending and claims 1, 5, 9, 14, 19, and 23 are independent.

In the detailed Office Action, claims 1, 4, 5, 8, 9, 12, 14, 17, 19, 22, 23, 26, 29, and 31 stand rejected under 35 U.S.C. §103(a) over Samavedam et al. (U.S. Pub. No. 2004/0023478 – hereafter Samavedam) in view of Chang (U.S. Patent No. 6,300,196 – hereafter Chang). Further, claims 2, 3, 6, 7, 10, 11, 13, 15, 16, 18, 20, 21, 24, 25, 27, 28, 30, and 32 stand rejected under 35 U.S.C. §103(a) over Samavedam in view of Chang as applied to claims 1, 5, 14, 19, and 23, and further in view of Hori et al. (U.S. Patent No. 5,445,710 – hereafter Hori). These rejections are respectfully traversed at least for the reasons provided below.

With respect to independent claims 1, 5, 9, 14, 19, and 23, the Examiner asserts that Samavedam substantially discloses the claimed invention. The Examiner admits that Samavedam lacks Applicants' tapered sidewall feature, however, the Examiner asserts that the combination of Samavedam with Chang teaches such a sidewall. Applicants have amended claims 1, 5, 9, 14, 19, and 23 to recite, *inter alia*, the features of "forming a first pattern with a tapered sidewall portion by etching the laminate; performing a plasma treatment to the first pattern with the tapered sidewall portion; forming a second pattern by removing the tapered sidewall portion of the first pattern with anisotropic etching." The combination of Samavedam and Chang fails to teach or suggest such a method of removing the sidewall portion of the pattern with anisotropic etching as presently claimed.

The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. *MPEP §2142*. To establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, to modify the references or to combine reference teachings. Second, there must be reasonable expectation of success. Finally, the prior art must teach all the claim limitations. *MPEP §2142*.

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Applicants respectfully point to the final prong of the test, which states the prior art must teach all the claim limitations. At the very least, Samavedam in combination with Chang does not teach all of the claim limitations of amended independent claims 1, 5, 9, 14, 19, and 23 for the reasons set forth above.

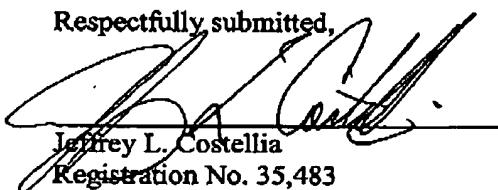
Hori does not cure the deficiencies of Samavedam and Chang. Therefore, Applicants respectfully submit that independent claims 1, 5, 9, 14, 19, and 23 are allowable as discussed previously. Further, any claim that depends from an allowable claim is allowable as well. Thus, Applicants respectfully request that the rejection of dependent claims 2-4, 6-8, 10-13, 15-18, and 24-27 likewise be removed.

In light of the foregoing arguments, withdrawal of the rejection of claims 1, 4, 5, 8, 9, 12, 14, 17, 19, 22, 23, 26, 29, and 31 under 35 U.S.C. §103(a) as being as being unpatentable over Samavedam in view of Chang is respectfully requested.

Furthermore, in light of the foregoing arguments, withdrawal of the rejection of claims 2, 3, 6, 7, 10, 11, 13, 15, 16, 18, 20, 21, 24, 25, 27, 28, 30, and 32 under 35 U.S.C. §103(a) over Samavedam in view of Chang as applied to claims 1, 5, 14, 19, and 23, and further in view of Hori is respectfully requested.

In view of the foregoing, it is respectfully requested that the rejections of record be reconsidered and withdrawn by the Examiner, that claims 1-27 be allowed and that the application be passed to issue. If a conference would expedite prosecution of the instant application, the Examiner is hereby invited to telephone the undersigned to arrange such a conference.

Respectfully submitted,



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